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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,878	11/13/2001	Werner Agne	A34730 (071308.0251)	1777

7590 09/29/2004  
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EXAMINER
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ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/056,878

Applicant(s)

AGNE, WERNER

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **EXAMINER'S RESPONSE**

### **Status of Application**

In response to the applicant's amendment received on 5/14/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-5,7-11 are unpatentable for the reasons set forth in this office action:

### ***Information Disclosure Statement***

The information disclosure statement filed 5/14/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed 8/5/04 comply with 37 CFR 1.98, It has been placed in the application file and has been considered. An initialed copy if the IDS is included with this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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1. Claim 1 recites the limitation "each controller" in the next to last line.

There is insufficient antecedent basis for this limitation in the claim. Claims 2-5 are rejected due to their dependence on claim 1.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge (5073773) in view of the PCT publication to Bohrer (WO 97/11848).

Bohrer shows a production machine including a plurality of units DSi , each perform a step in the printing process, see also the applicant's description of this publication in the instant specification. Bohrer shows a communication network for providing control information for operating the units. Bohrer shows a communication unit(s) 46 and 48 for each production unit Dsi. Bohrer fails to show the path selection as claimed.

In an analogous art, Van Steenbrugge shows a path selection device 5 that connects a plurality of data terminals 1-4 where any desired path connections are set up between the data terminals via a setting signal from the processor 16 to the switch 19. This provides the resources necessary for the system to identify the connection for the apparatus (or unit). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to have used the setting signal from the processor as suggested by Van Steenbrugge in the Bohrer production machine since such would provide the ability to identify the connection of the communication and apparatus.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge (5073773) and Bohrer as applied to claims 1-3 above, and further in view of Kliman (6262550).

In an analogous art, Kliman shows a path selection device that provides a selectable path that is real time (Fast) Ethernet compliant. This provides the advantage that the data terminals can operate in a known protocol to ensure interoperability among the data terminals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the path selection device be real time Ethernet compliant in order to provide a stable protocol for the data terminal to interoperate with.

4. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge (5073773) and Bohrer as applied to claims 1-3 above, and further in view of Sherer (6026095).

In an analogous art, Sherer shows a data path selection device (60,61,62,67). These path selection devices provide data connections with real time capability between the communication units and groups of communication units. Regarding the use imitations of being used in a machine tool, a production

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machine, a robot or a printing machine, these are considered use limitations, which were common uses for such communication system as evidenced by the applicant's background discussion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the path selection device above to connect data terminals with each other either individually or as a group as shown by Sherer since such would provide flexible connections to the user.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ